

**REMARKS**

**Preliminary Matters**

Applicants note that the Examiner has indicated consideration of all reference submitted with the Information Disclosure Statement of July 9, 2003.

Applicants also note that the Examiner has acknowledged a claim to foreign priority and has acknowledged receipt of a certified copy of the priority document.

**Claims**

Claims 1-10 are all the claims pending in the application.

**Claim Rejections - 35 U.S.C. § 101**

Claims 1-10 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The Examiner alleges that claims 1-10 are directed to signals and that signals encoded with functional descriptive material do not fall within any of the patentable categories set forth in 35 U.S.C. § 101. See Office Action page 2.

In *State Street* the Federal Circuit said that a processing system that takes data representing discrete dollar amounts through a series of mathematical calculations to determine a final share price recites statutory subject matter and is patentable. See 149 F.3d at 1373, 47 USPQ2d at 1601. Applicants submit that claims 1-9 are directed to statutory subject matter because the claims do not merely recite signals but recite a system that performs processing on the packet signals.

Applicants also state that claim 10 is statutory as it recites a process of user authentication.

The Examiner is respectfully requested to withdraw the rejection.

### **Prior Art Rejections**

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sawada et al (2002/0016858), hereinafter "Sawada".

For at least the following reasons, Applicants traverse the rejections.

### **Independent Claim 1 and its dependent claims**

Applicants submit that claim 1 is not anticipated by Sawada.

Claim 1 recites, *inter alia*, temporary-use address offer means for giving a temporary-use IP address to a communication terminal that does not have the required authentication to communicate with a communication network. Claim 1 further recites login picture display means for inputting a packet signal for receiving authentication of the communication network dispatched by the communication terminal using the temporary-use IP address. Claim 1 further recites authentication-propriety determination means that determine an authentication of the communication terminal that has the temporary-use IP address. Claim 1 further recites network address bestowal means for giving to the communication terminal a normal network address in response to the authentication-propriety determination means authenticating the communication terminal.

The Examiner alleges that Sawada discloses an address leasing packet sent to a user terminal 1905 from the DHCP server 1903, and which corresponds to the claimed temporary-use address offer means for giving a temporary-use IP address to a communication terminal that does not have the required authentication to communicate with a communication network. See Sawada 0157, 0162 and Office Action page 3. However, Sawada does not disclose network address bestowal means for giving to the communication terminal a normal network address in

response to the authentication-propriety determination means authenticating the communication terminal.

Sawada is directed to building a secure authentication system that can prevent an unauthorized user from accessing the file server. See [0209]. For example, Sawada discloses a packet forwarding unit (PFU) 1601 receiving an address request packet 2001 sent from a user terminal 1905. The PFU 1601 forwards this packet 2001 uplink such that the DHCP server 1903 receives the packet. Upon receiving the packet the DHCP server 1903 sends an address leasing packet 2002 back to the user terminal 1905. Once the user terminal receives the leased address, it attempts to access the file server 1902. However, the user terminal is not yet authenticated and steps are taken to authenticate the user terminal and after the user terminal is authenticated a connection is established between the file server 1902 and the user terminal 1905. See [0150]-[0164]. As discussed above even if Sawada discloses sending a leased IP address to the user terminal, it does not teach or even suggest that a normal network address is sent after the authentication is established. The Examiner cites to different sections of Sawada to teach the feature of sending a normal network address. For example, the Examiner alleges that paragraphs [0228-0229, 0231-0233] disclose the feature of sending a normal network address. See Office Action page 4. However, the cited sections of Sawada, i.e., [0228-0229, 0231-0233] recite the same sequence of steps as discussed in detail above. The Examiner may not necessarily double count the leased network address in one embodiment of Sawada and the same leased address in a different embodiment to disclose the claimed network address and the temporary-use IP address.

Applicants submit that claim 1 is not anticipated by Sawada for at least the reasons discussed above.

Claims 2 and 3 are patentable at least by virtue of their dependency from claim 1.

**Independent Claim 4 and its dependent claims**

The Examiner cites the same grounds of rejection as stated for rejecting claim 1.

Applicants submit that Sawada does not teach or suggest normal-IP-address bestowal means for giving to the communication terminal a normal IP address in response to the authentication-propriety determination means determining that the authentication has been made.

Therefore, claim 4 is not anticipate by Sawada.

Claims 5-8 depend from claim 4 and are patentable at least by virtue of their dependency.

**Independent Claim 9**

Claim 9 recites, *inter alia*, normal-IP-address bestowal means for giving to the communication terminal a normal IP address in response to the authentication means determining that the communication terminal is authenticated.

Applicants respectfully submit that such a feature is not disclosed by Sawada.

Therefore, the Examiner is requested to withdraw the rejection of claim 9.

**Independent Claim 10**

Claim 10 recites, *inter alia*, a normal-IP-address return step of, at the time that it was determined in this authentication-propriety determination step that the authentication was obtained, returning to the communication terminal a normal IP address assigned for said specific internet service provider.

Applicants respectfully submit that claim 10 is not anticipated by Sawada because Sawada does not disclose at least the above feature of claim 10.

**New claims**

Applicants add new claim 11 and it is respectfully submitted that new claim 11 is patentable at least by virtue of its dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
\_\_\_\_\_  
Carl J. Pellegrini  
Registration No. 40,766

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: September 26, 2007